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CONFIDENTIAL

MEMORANDUM FOR THE RECORD

The attached staff paper on removal authorities, staff reductions and outplacement in DIA was developed by [redacted] 25X1
[redacted] based on interviews and the data in the file which was 25X1
provided by DIA staff. The staff paper was reviewed and concurred in by DIA in terms of accuracy in reporting views expressed in the meetings.

[redacted] 25X1

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REMOVAL AUTHORITIES, STAFF REDUCTIONS, OUTPLACEMENT
Defense Intelligence Agency

Removal Authority

Authority to terminate or remove from employment with DIA is derived from 10 USC 1604 (PL 98-618) and PL 81-733 5 USC 7532 (PL 81-733). Also, authority to remove under title 5 USC is inherent in the DIR DIA's appointing authority.

The Secretary of Defense has removal authority under 10 USC 1604 when a determination is made that such action is "in the interest of the U.S.", and when it has been determined that no other provision of law can be evoked consistent with national security. This authority has been delegated to the DIR, DIA.

DIR, DIA was recently designated by the President as an Agency head for the purpose of exercising suspension and removal authority under 5 USC 7532. Removals under 5 USC 7532 are authorized when "in the interest of national security or the U.S." and action for removal cannot be initiated under other procedures consistent with national security.

DIA has established adverse action procedures which follow the general rules as set forth by OPM. They provide for written notice to the employee, an opportunity to respond, and a written decision.

Suspensions and terminations for reasons of national security and in the interest of the U.S. are processed procedurally in a manner similar to the foregoing to the extent that national security will permit. Where suspension is effected under 5 USC 7532, there is no appeal beyond SECDEF. The DIR DIA's decision to suspend or remove under 10 USC 1604 may be appealed to SECDEF and, in the case of preference eligibles, to MSPB. Subsequent to issuing a termination of employment decision under 10 USC 1604, DIA is required to notify the House and Senate Intelligence Committees. Further, termination under 10 USC 1604 does not disqualify an employee from employment with any other department or agency of the US if declared eligible by OPM.

DIA proposes termination of about 24 people per year prior to completion of their one year trial period, and some two or three others are proposed for removal each year who have completed the trial period. Most employees elect to resign when faced with proposed action to terminate. In fact, since its inception, DIA has had very few occasions to actually take removal action, and there have been none since enactment of PL 98-618 in 1984.

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General Staff Reductions

DIA is subject to RIF rules as prescribed by OPM in the Excepted Service. DIA RIF procedures are set forth in DIA Regulation No. 22-24 and parallel those contained in Chapter 351, Federal Personnel Manual.

DIA's only major RIF occurred in 1972. Approximately 200 positions were involved in the RIF. Through such devices as early optional retirement (authority was obtained from the CSC) and reassignments, the total number of people actually RIF'd was held to approximately 60. Two smaller RIF's in 1973 and 1974 resulted in RIF notices being given to approximately 30 individuals.

Outplacement

DIA has no formal outplacement program for removed or terminated employees, but does provide extensive counseling services to assist such people (as well as those who resign in lieu of facing adverse action procedures) in re-directing their careers. The great majority of those counseled are individuals who fail to successfully complete their one year trial period.

In instances when removal for cause may be necessary, DIA, in accordance with DOD policy, does a threat assessment of potential damage should the employee resort to revenge or the like, and might prescribe continued employment without access to sensitive information during a "cooling off" period.

Adequacy of Current Procedures

Adequate authority resides with the DIR DIA to handle cases which require termination or removal of DIA employees. Procedures are in place to properly manage adverse action cases and to deal with any necessary staff reductions. DIA does not believe that any additional "selection out" authority is needed and is not seeking any.

Although DIA is not especially interested in implementing any outplacement program, it is suggested that they examine the programs at CIA and the State Dept. to determine if some similar arrangement, to include assistance to retirees, might be worthwhile.

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